

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Alan Doane, on February 10, 2017 at 8:00 AM, in Room 137
Capitol

ROLL CALL

Members Present:

Rep. Alan Doane, Chair (R)
Rep. Seth Berglee, Vice Chair (R)
Rep. Virginia Court, Vice Chair (D)
Rep. Laurie Bishop (D)
Rep. Bob Brown (R)
Rep. Bill Harris (R)
Rep. Kathy Kelker (D)
Rep. Casey Knudsen (R)
Rep. Theresa Manzella (R)
Rep. Dale Mortensen (R)
Rep. Zac Perry (D)
Rep. Matt Regier (R)
Rep. Lola Sheldon-Galloway (R)
Rep. Barry Usher (R)
Rep. Kirk Wagoner (R)

Members Excused:

Rep. Jennifer Eck (D)
Rep. Ellie Hill Smith (D)
Rep. Nate McConnell (D)
Rep. Shane A. Morigeau (D)

Members Absent: None

Staff Present: Sara Fleming, Committee Secretary
Helen Thigpen, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 348, 2/2/2017; HB 349, 2/2/2017; HB 350, 2/2/2017
Executive Action: HB 320, HB 327, HB 168, HB 149, HB 340, HB 133, HB 366

HEARING ON HB 348**Opening Statement by Sponsor:**

00:01:02 Rep. Peggy Webb (R), HD 43, opened the hearing on HB 348, Generally revise tenant landlord laws.

Proponents' Testimony:

00:04:15 John Sinrud, Montana Landlords Association (MLA)
00:05:52 Rep. Eck joined the meeting
00:11:58 Rick Linafelter, Montana Landlords Association (MLA)

Opponents' Testimony:

00:13:35 Edward Beaudett, Self
00:16:07 Amy Hall, Montana Legal Services Association (MLSA)
00:23:52 Dillon Ecord, Montana State University (MSU)
00:24:58 Abigail Belcher, Associated Students of the University of Montana (ASUM)
00:26:44 Katie Westhoff, Montana Public Interest Research Group

Informational Testimony: None**Questions from Committee Members and Responses:**

00:28:12 Rep. Manzella
00:28:34 John Sinrud, MLA
00:31:18 Rep. Bishop
00:31:54 John Sinrud, MLA
00:39:56 Rep. Kelker
00:40:18 John Sinrud, MLA
00:44:06 Rep. Court
00:45:21 Amy Hall, MLSA
00:49:03 Rep. Berglee
00:49:39 Amy Hall, MLSA
00:54:48 Rep. Manzella
00:55:38 Rick Linafelter, MLA
00:58:15 Rep. Sheldon-Galloway
00:58:50 John Sinrud, MLA

Closing by Sponsor:

00:59:58 Rep. Webb

01:02:44 Rep. Hill Smith joined the meeting

HEARING ON HB 349**Opening Statement by Sponsor:**

01:05:20 Rep. Peggy Webb (R), HD 43, opened the hearing on HB 349, Revise effect of failure to sign landlord tenant rental agreement.

Proponents' Testimony:

01:06:49 John Sinrud, Montana Landlords Association (MLA)
01:08:52 Rick Linafelter, Montana Landlords Association (MLA)

01:09:10 Taylor Oldroyd, Montana Association of Realtors (MAR)

Opponents' Testimony:

01:10:00 Amy Hall, Montana Legal Services Association (MLSA)

[EXHIBIT\(juh30a01\)](#)

[EXHIBIT\(juh30a02\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

01:16:39 Rep. C. Knudsen

01:17:28 John Sinrud, MLA

01:20:27 Rep. Berglee

01:20:54 Amy Hall, MLSA

01:22:47 Rep. Berglee

01:23:13 John Sinrud, MLA

01:23:30 Rep. Eck

01:23:56 Amy Hall, MLSA

01:29:22 Rep. Kelker

01:30:00 Amy Hall, MLSA

Closing by Sponsor:

01:31:53 Rep. Webb

HEARING ON HB 350

Opening Statement by Sponsor:

01:33:23 Rep. Peggy Webb (R), HD 43, opened the hearing on HB 350, Generally revise default provisions in rental agreements.

Proponents' Testimony:

01:34:53 John Sinrud, Montana Landlords Association (MLA)

01:38:30 Rick Linafelter, Montana Landlords Association (MLA)

01:38:52 Taylor Oldroyd, Montana Association of Realtors (MAR)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

01:39:27 Rep. Webb

Committee Business:

01:40:17 Chair Doane

[EXHIBIT\(juh30a03\)](#)

[EXHIBIT\(juh30a04\)](#)

01:40:50 Recess
02:06:21 Reconvene

EXECUTIVE ACTION ON HB 320

Discussion:

02:07:07 Helen Thigpen, Legislative Services Division (LSD)

02:07:24 **Motion:** Rep. Berglee moved that **HB 320 DO PASS.**

Discussion:

02:07:38 Rep. Eck
02:08:11 Chair Doane
02:08:24 Rep. Mortensen
02:08:33 Rep. Manzella
02:08:49 Rep. Usher

02:09:19 **Vote:** Motion failed 6-13 by roll call vote with Rep. Berglee, Rep. Harris, Rep. Manzella, Rep. M. Regier, Rep. Usher and Rep. Wagoner voting aye. Rep. McConnell, Rep. Morigeau, Rep. M. Regier and Rep. Wagoner voted by proxy.

02:10:47 **Motion:** Rep. Court moved **HB 320 BE TABLED.** Motion was without objection.

EXECUTIVE ACTION ON HB 327

Discussion:

02:11:32 Helen Thigpen, LSD

02:12:15 **Motion:** Rep. Berglee moved that **HB 327 DO PASS.**

02:13:44 **Motion:** Rep. Berglee moved that **HB 327 BE AMENDED.**
[**EXHIBIT\(juh30a05\)**](#)

Discussion:

02:14:11 Helen Thigpen, LSD
02:15:36 Rep. Court
02:15:40 Rep. Wagoner joined the meeting
02:16:00 Rep. B. Brown

02:16:35 **Vote:** Motion carried unanimously by voice vote. Rep. McConnell, Rep. Morigeau and Rep. M. Regier voted by proxy.

02:17:05 **Motion:** Rep. Berglee moved that **HB 327 DO PASS AS AMENDED.**

Discussion:

02:17:18 Rep. B. Brown
02:17:40 Rep. Eck
02:18:10 Rep. Kelker
02:18:58 Rep. Hill Smith
02:22:32 Rep. Eck

02:23:07 Rep. Court
02:23:52 Rep. Manzella
02:24:22 Rep. Usher
02:25:10 Rep. Hill Smith
02:26:24 Rep. Eck
02:26:34 Helen Thigpen, LSD
02:27:35 Rep. C. Knudsen
02:27:45 Helen Thigpen, LSD
02:28:02 Rep. Harris
02:28:39 Rep. Kelker
02:29:32 Rep. Hill Smith

02:30:48 **Vote:** Motion failed 8-11 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting aye. Rep. Morigeau and Rep. M. Regier voted by proxy.

02:32:38 **Motion:** Rep. Court moved **HB 327 BE TABLED**. Motion was without objection.

EXECUTIVE ACTION ON HB 168

Discussion:

02:33:21 Helen Thigpen, LSD
02:34:19 Rep. Morigeau joined the meeting
02:34:26 Rep. McConnell joined the meeting

02:35:05 **Motion:** Rep. Berglee moved that **HB 168 DO PASS**.

Discussion:

02:35:14 Helen Thigpen, LSD

02:35:30 **Motion:** Rep. Wagoner moved that **HB 168 BE AMENDED**.
[EXHIBIT\(juh30a06\)](#)

Discussion:

02:36:33 Helen Thigpen, LSD
02:38:41 Chair Doane
02:38:44 Rep Wagoner
02:38:49 Rep. Mortensen

02:38:57 **Vote:** Motion carried unanimously by voice vote. Rep. M. Regier voted by proxy.

02:39:19 **Motion:** Rep. Berglee moved that **HB 168 DO PASS AS AMENDED**.

Discussion:

02:39:27 Rep. Harris
02:40:08 Rep. Wagoner

02:40:30 **Motion:** Rep. Usher moved that **HB 168 BE AMENDED**.
[EXHIBIT\(juh30a07\)](#)

Discussion:

02:40:52 Helen Thigpen, LSD
02:41:54 Rep. Usher
02:42:45 Rep. Berglee
02:43:05 Rep. C. Knudsen
02:43:51 Rep. Usher
02:44:27 Rep. Eck
02:44:55 Rep. Wagoner

02:45:39 **Vote:** Motion carried unanimously by voice vote. Rep. M. Regier voted by proxy.

02:46:14 **Motion/Vote:** Rep. Berglee moved that **HB 168 DO PASS AS AMENDED**.
Motion carried 18-1 by voice vote with Rep. Manzella voting no. Rep. M. Regier voted by proxy.

EXECUTIVE ACTION ON HB 149**Discussion:**

02:47:10 Helen Thigpen, LSD

02:47:53 **Motion:** Rep. Berglee moved that **HB 149 DO PASS**.

02:48:00 **Motion:** Rep. Berglee moved that **HB 149 BE AMENDED**.

[**EXHIBIT\(juh30a08\)**](#)

Discussion:

02:48:09 Helen Thigpen, LSD
02:50:20 Rep. McConnell
02:51:16 Helen Thigpen, LSD
02:52:04 Rep. Usher
02:52:38 Rep. McConnell
02:52:46 Rep. Hill Smith
02:53:27 Rep. Berglee
02:53:45 Rep. Eck

02:54:14 **Vote:** Motion carried 16-3 by roll call vote with Rep. Court, Rep. Eck and Rep. Kelker voting no. Rep. M. Regier voted by proxy.

02:55:29 **Motion/Vote:** Rep. Berglee moved that **HB 149 DO PASS AS AMENDED**.
Motion carried 16-3 by roll call vote with Rep. Bishop, Rep. Eck and Rep. Perry voting no. Rep. M. Regier voted by proxy.

EXECUTIVE ACTION ON HB 340

02:57:12 **Motion:** Rep. Berglee moved that **HB 340 DO PASS**.

Discussion:

02:57:20 Helen Thigpen, LSD
02:57:42 Chair Doane
02:57:53 Rep. Eck

02:58:43 Rep. Harris
02:59:38 Rep. Hill Smith
02:59:52 Rep. Bishop left the meeting
03:01:12 Rep. Kelker
03:03:05 Rep. Court
03:05:27 Rep. B. Brown
03:06:03 Rep. Hill Smith
03:06:20 Rep. Morigeau
03:08:27 Rep. Usher
03:09:32 Rep. Berglee

03:11:03 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Bishop and Rep. M. Regier voted by proxy.

EXECUTIVE ACTION ON HB 133

03:12:46 **Motion:** Rep. Berglee moved that **HB 133 DO PASS AS PREVIOUSLY AMENDED.**

Discussion:

03:13:05 Helen Thigpen, LSD

03:13:34 **Vote:** Motion failed 9-10 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau, Rep. Mortensen and Rep. Perry voting aye. Rep. M. Regier, Rep. Bishop and Rep. Usher voted by proxy.

03:15:05 **Motion:** Rep. B. Brown moved **HB 133 BE TABLED.** Motion was without objection.

EXECUTIVE ACTION ON HB 366

03:15:22 **Motion:** Rep. Berglee moved that **HB 366 DO PASS.**

Discussion:

03:15:28 Helen Thigpen, LSD
03:15:50 Rep. Eck
03:16:19 Rep. Mortensen
03:16:31 Rep. Berglee
03:18:51 Rep. Morigeau
03:20:48 Rep. Sheldon-Galloway

EXHIBIT(juh30a09)

03:24:28 **Vote:** Motion failed 9-10 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau, Rep. Mortensen and Rep. Perry voting aye. Rep. M. Regier and Rep. Usher voted by proxy.

03:26:07 **Motion:** Rep. Berglee moved **HB 366 BE TABLED.** Motion carried.

Committee Business:

03:27:04 Chair Doane
03:27:41 Rep. Sheldon-Galloway

ADJOURNMENT

Adjournment: 03:28:01

Sara Fleming, Secretary

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Additional Documents:

EXHIBIT([juh30aad.pdf](#))